CMPMO No.222 of 2007.

10.10.2007. Present: Mr. R.K. Bawa, Senior Advocate, with
Mr. Inderjit Narwal, Advocate, for the petitioner.

Apparently the impugned order dated 30th July, 2007 has been correctly passed closing the evidence of the petitioner-plaintiff because perusal of the orders passed earlier does suggest that the petitioner-plaintiff was negligent and careless in not producing her evidence in the Court. However, in the interest of justice, I feel that one more, just one more opportunity being the last and final opportunity should be given to the petitioner-plaintiff to produce her entire remaining evidence in the trial Court on the next date fixed there, i.e. 5th November, 2007 subject to payment of heavy costs.

The impugned order accordingly is set aside. The petitioner-plaintiff is permitted to produce the entire remaining evidence on self-responsibility on 5th November, 2007 in the trial Court subject to her paying Rs.5,000/- as costs to be deposited in the High Court Bar Association Welfare Fund Account within ten days from today. It is only on proof of the deposit of the costs that the learned trial Court shall permit the petitioner to produce the evidence in the Court.

Since this order has been passed in the absence of the respondents for the sake of the expeditious disposal of the suit, it is open to the respondents or any one of them to approach this Court and pray for the recall of this order, if so advised.

The petition is disposed of.

CMP No.819 of 2007.

In view of the disposal of the main petition, this application shall also stand disposed of.

10th October, 2007. (V.K. Gupta), C.J.
(tr)